

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ALAN R. ENGEL,

Plaintiff,

Case No. 2:13-cv-00672-JAD-PAL

V.

JAN SIROKY, et al.,

Defendant.

ORDER TO SHOW CAUSE

12 This matter is before the court on the parties' failure to comply with this court's Order
13 (Dkt. #33) requiring the parties to file a joint pretrial order as required by LR 26-1(e)(5). The
14 Discovery Plan and Scheduling Order (Dkt #33) established a January 7, 2015 deadline for the
15 parties to file the joint pretrial order. When the parties had not complied the court entered an
16 Order (Dkt. #36) January 16, 2015, requiring the parties to file their joint pretrial order no later
17 than 4:00 p.m., February 5, 2015, and further advised the parties that their failure to timely
18 comply with the court's order might result in the imposition of sanctions up to and including a
19 recommendation to the District Judge of any case dispositive sanctions.

20 Defendants Milgroom and Siroky each filed Motions for Summary Judgment (Dkt. ##37,
21 39) on January 26, 2015, and January 28, 2015, both advising that there has been no
22 communication with Plaintiff since April 2013, and as such, the parties have never met and
23 conferred as ordered and no discovery has been completed.

24 LR 16-3(c) states that, “[u]pon the initiative of counsel for plaintiff, counsel who will try
25 the case and who are authorized to make binding stipulations shall personally discuss settlement
26 and prepare and lodge with the Court a proposed joint pretrial order” It is Plaintiff’s
27 responsibility to initiate contact with Defendants to prepare and submit the joint pretrial order.
28 Defendants have responded to the court’s order by filing motions for summary judgment, but

1 Plaintiff has not responded at all, and according to Defendants has done nothing to prosecute this
2 action. Accordingly,

3 **IT IS ORDERED** that:

4 1. Plaintiff shall show cause, in writing, **no later than February 25, 2015**, why
5 sanctions should not be imposed for Plaintiff's:

6 a. Failure to comply with the court's discovery plan and scheduling order;
7 b. Failure to initiate settlement discussions with Defendants and prepare and
8 submit a joint pretrial order;
9 c. Failure to comply with this court's Order (Dkt. #33).

10 2. Filing the joint pretrial order on or before February 25, 2015 will satisfy the court that
11 sanctions are not warranted, and no further response to this order to show cause shall
12 be required. However, failure to file the joint pretrial order will result in the
13 recommendation to the District Judge that this case be dismissed for Plaintiff's failure
14 to prosecute this action, and failure to comply with this order and the courts prior
15 orders (Dkt ## 33 & 36).

16 DATED this 11th day of February, 2015.

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18 
19 PEGGY A. LEEN
20 UNITED STATES MAGISTRATE JUDGE
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